

CONSULS

Convention signed at The Hague January 22, 1855
Senate advice and consent to ratification March 3, 1855
Ratified by the President of the United States March 5, 1855
Ratified by the Netherlands April 18, 1855
Ratifications exchanged at Washington May 25, 1855
Entered into force May 25, 1855
Proclaimed by the President of the United States May 26, 1855
Article 10 abrogated by the United States July 1, 1916, in accordance
*with Seamen's Act of March 4, 1915*¹

10 Stat. 1150; Treaty Series 253²

His Majesty the King of the Netherlands wishing to strengthen the bonds of friendship subsisting between the United States of America and the Kingdom of the Netherlands and to give the amplest possible development to the commercial intercourse, so happily established between the two nations, has for the accomplishment of that purpose, and in order to satisfy a desire repeatedly expressed by the Government of the United States, consented to receive Consuls from said States in the principal ports of the Dutch Colonies, with the reservation however of making this concession the subject of a special convention, which shall determine in a clear and precise manner, the rights, duties and privileges of said Consuls in the Colonies above mentioned.

Accordingly the President of the United States has named August Belmont, a citizen of the United States and their Minister Resident near His Majesty the King of the Netherlands.

His Majesty the King of the Netherlands: the Sieur Floris Adriaan van Hall, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister of State and for Foreign Affairs, and the Sieur Charles Ferdinand Pahud, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister for the Colonies.

Who after communicating to each other their full powers found in good and due form, have agreed upon the following articles.

¹ 38 Stat. 1164.

² For a detailed study of this convention, see 7 Miller 3.

ARTICLE 1

Consuls General, Consuls and Vice Consuls of the United States of America will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

ARTICLE 2

The Consuls General, Consuls and Vice Consuls of the United States of America are considered as commercial agents, protectors of the maritime commerce of their countrymen in the ports within the circumference of their consular districts.

They are subject to the laws both civil and criminal of the country in which they reside; with such exceptions as the present Convention establishes in their favor.

ARTICLE 3

The Consuls General and Consuls before being admitted to exercise their functions and to enjoy the immunities attached thereto, must present a commission in due form to the Government of His Majesty the King of the Netherlands.

After having obtained the Exequatur, which shall be countersigned, as promptly as possible by the Governor of the Colony, the said Consular agents shall be entitled to the protection of the Government and to the assistance of the local authorities in the free exercise of their functions.

The Government in granting the Exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the Governor of the Colony, on a statement of the reasons for doing so.

ARTICLE 4

The Consuls general and Consuls are authorised to place on the outer door of their Consulates the arms of their Government, with the inscription: "Consulate of the United States of America."

It is well understood, that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

ARTICLE 5

It is nevertheless understood that the archives and documents relating to the affairs of the Consulate shall be protected against all search, and that no authority or magistrate shall have the power under any pretext whatever to visit or seize them or to examine their contents.

ARTICLE 6

The Consuls General, Consuls and Vice Consuls shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands Government, it must be done through the medium of the diplomatic agent residing at the Hague, if one be there.

The Consul may in case of urgency apply to the Governor of the Colony himself, showing the urgency of the case, and stating the reasons, why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

ARTICLE 7

Consuls General and Consuls shall be free to establish Vice Consuls in the ports mentioned in art. 1, and situated in their Consular districts.

The Vice Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing or having the privilege according to the local laws to fix their residence in the port to which the Vice Consul shall be named.

These Vice Consuls whose nomination shall be submitted to the approval of the Governor of the Colony, shall be provided with a certificate given to them by the Consul under whose orders they exercise their functions.

The Governor of the Colony may in all cases withdraw from the Vice Consuls the afore said sanction, in communicating to the Consul General or Consul of the respective district, the motives for his doing so.

ARTICLE 8

Passports delivered or signed by Consuls or Consular agents do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the Colonies.

The right of the Governor of the Colony to prohibit the residence in, or to order the departure from the Colony of any person, to whom a passport may have been delivered, remains undisturbed.

ARTICLE 9

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul General, Consul or Vice Consul, who is present at the scene of the disaster, will in case of the absence, or with the consent of the Captain or supercargo, take all the necessary measures for the salvage of the Vessel, the cargo and all that appertains to it.

In the absence of the Consul General, Consul or Vice Consul, the Dutch authorities of the place where the wreck has taken place, will act in the premises, according to the regulations prescribed by the laws of the Colony.

ARTICLE 10³

Consuls General, Consuls and Vice Consuls may, in so far, as the extradition of deserters from merchant vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention and imprisonment of deserters from Vessels of the United States. To this end they shall apply to the competent functionaries and claim said deserters in writing, proving by the register of the Vessel, the list of the crew or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters being arrested, shall be placed at the disposal of said Consuls and may be confined in the public prisons at the request, and at the expense of those who claim them, in order that they may be taken to the Vessels, to which they belong or to other Vessels of the same nation. But if they are not sent back within four months, from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause.

It is understood however, that if the deserter be found to have committed any crime, offence, or contravention, his extradition may be delayed, until the court having cognizance of the matter shall have pronounced its sentence and the same has been carried into execution.

ARTICLE 11

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who according to the laws of the colonies are charged with the administration of the estate, will inform the Consuls or Consular agents of the circumstance, in order that the necessary information may be forwarded to parties interested.

ARTICLE 12

The Consuls General, Consuls and Vice Consuls, have in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences, which may arise between the masters and the crews of the Vessels belonging to the United States, and this without the interference of the local authorities; unless the conduct of the crew or of the captain should have been such as to disturb the order and tranquillity of the country or that the Consuls General, Consuls or Vice Consuls should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

³ Abrogated by the United States July 1, 1916, in accordance with Seamen's Act of Mar. 4, 1915 (38 Stat. 1164).

It is understood however that this decision or special arbitrament is not to deprive on their return the parties in litigation of the right of appeal to the judiciary authorities of their own country.

ARTICLE 13

The Consuls General, Consuls and Vice Consuls who are not subjects of the Netherlands, who at the time of their appointment are not established as residents in the Kingdom of the Netherlands, or its Colonies, and who do not exercise any calling, profession or trade, besides their Consular functions, are, in so far as in the United States the same privileges are granted to the Consuls General, Consuls and Vice Consuls of the Netherlands, exempt from military billetings, from personal taxation, and moreover from all public or municipal taxes, which are considered of a personal character, so that this exemption shall never extend to custom house duties or other taxes whether indirect or real.

The Consuls General, Consuls and Vice Consuls who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their Consular functions, any professional or trade whatever, are obliged to fulfill duties and pay taxes and contributions like all Dutch subjects and other inhabitants.

Consuls General, Consuls and Vice Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise Consular functions conferred by the Government of the United States of America, are obliged to fulfill duties and pay taxes and contributions like all Dutch subjects and other inhabitants.

ARTICLE 14

The Consuls General, Consuls and Vice Consuls of the United States shall enjoy all such other privileges, exemptions and immunities in the Colonies of the Netherlands, as may at any future time be granted to the agents of the same rank of the most favored nations.

ARTICLE 15

The present convention shall remain in force for the space of five years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months or sooner if possible.

In case neither of the contracting parties gives notice twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In witness whereof, the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

Done at the Hague, this twenty second day of January, in the year of our Lord one thousand eight hundred and fifty five.

AUGUST BELMONT [SEAL]

VAN HALL [SEAL]

F. PAHUD [SEAL]